IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2116 OF 2005

Kirit Somaiya ....Petitioner

Versus

State of Maharashtra and Ors. ... Respondents.

Mr. Janak Dwarkadas, Senior Advocate, with Mr. D.R. Mehta, instructed by M/s. Dhruve Liladhar & Co., for the petitioner.

Mr. K.R. Belosey, Government Pleader, for respondent Nos. 1, 2, 5 and 10.

Mr. K.K.Singhvi, Senior Advocate, with Mrs. P.A. Purandare, for respondent Nos. 3 and 4.

Mr. B.A. Desai, Additional Solicitor General, with Ms. S.V. Bharucha, for respondent Nos. 7, 10 and Union of India.

Mr. Sarang Aradhye, instructed by Mr. R.V.Govilkar, for respondent No.8.

Mrs. Kiran Bhagalia for the MMRDA.

CORAM: **H.L. GOKHALE, Ag. C.J.,** & **V.M. KANADE, J.**

DATE: **JANUARY 17, 2007**.

P.C.

Heard Mr. Dwarkadas and Mr. Mehta in support of the petition as also the counsel appearing for various respondents.

2. The petition was filed to highlight the lapses and omissions on the part of the public authorities when unprecedented floods occurred particularly on the banks of river Mithi in North Mumbai on 26th July, 2005. The petition prayed that appropriate measures be taken by the authorities concerned. Orders were passed by different Division Benches from time to time and the Court expected that the widening of the river, desilting and various other measures would be completed in two stages. The first stage was mainly concerning the desilting of the river, widening of the entire stretch and removal of the encroachments on the banks of the river.

3. An affidavit has been filed by Dr. Vikas Tondwalkar, Project Officer and Member Secretary of the Mithi River Development and Protection Authority, affirmed on 14th November, 2006. In this affidavit it has been stated that debris to the tune of 12,98,000 cu.mtrs. of silt/debris/rocks were to be removed and some 12,96,440 cu.mtrs. thereof were removed by 26th June, 2006. The bottlenecks in the flow of the river and also of Vakola nallah were removed. It is further stated that 3984 structures were demolished which included commercial as well as residential structures. Finally it is stated that this

has resulted into the carrying capacity of the river going up by three times.

4. This was the first stage. The second stage was beautification and various other consolidation measures on the banks of river. In view of the fact that the first stage has been satisfactorily completed, we can positively hope that the second stage will also be completed in due course. In view of what is stated in this affidavit, nothing further is required to be directed in the petition. The petition stands disposed of.

ACTING CHIEF JUSTICE

V.M. KANADE, J.